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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,123	03/10/2004	Kiyoo Morita	Q80239	2479
23373 7590 07/07/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER				
HAUGLAND, SCOTT J				
ART UNIT		PAPER NUMBER		
3654				
MAIL DATE		DELIVERY MODE		
07/07/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/796,123

**Applicant(s)**

MORITA ET AL.

**Examiner**

Scott Haugland

**Art Unit**

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-18, 20, 21 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-18, 20, 21 and 25-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 12, 14-18, 21, and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Olsen (U.S. Pat. No. 3,655,145).

Olsen discloses a magnetic tape cartridge comprising a generally rectangular cartridge case in which a single reel wound with a magnetic tape is rotatably housed. A drawing-out member 74 is provided at one end of the magnetic tape. A magnetic tape drawing-out port 56 is provided on a side surface of the cartridge case at a position apart from a corner of said cartridge case. The magnetic tape drawing-out port 56 is provided between a position corresponding to a screw hole 32 (bottom right of cartridge in Fig. 1) used for assembling upper and lower cases 16, 18 provided in the corner of said cartridge case and a position corresponding to a reference hole 68 in the vicinity of a central portion of the cartridge case provided in an outer periphery of a surface of the cartridge case that is perpendicular to a rotary axis of the reel. The magnetic tape is capable of being drawn out of the magnetic tape drawing out port by the drawing-out

Art Unit: 3654

member 74. The cartridge has a second reference hole (hole 32 receiving screw 34 in the upper left corner of the cartridge in Fig. 1).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen (U.S. Pat. No. 3,655,145).

Olsen is described above.

Olsen does not explicitly state that the central portion of the tape drawing-out port is located at a position apart from the corner of said cartridge case by a distance equivalent to approximately one quarter of an edge length of the side of the cartridge.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the tape drawing-out port 56 at a position apart from the corner of said cartridge case so that its central portion is approximately one quarter of the edge length of the side of the cartridge from the corner since Olsen shows the port in that location and it would have been clear that locating the port at that location would have been fully capable of operating as desired.

Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen (U.S. Pat. No. 3,655,145) in view of Kaneda et al (U.S. Pat. No. 6,547,174).

Olsen is described above.

Olsen does not disclose a second reference hole that is not located in any of the four corners of the cartridge case.

Kaneda et al teaches providing a tape cartridge case having four corners with reference holes (23, 24) in a surface that is perpendicular to a rotational axis of a tape reel in the cartridge. The reference holes (23, 24) are not located in any of the four corners of the cartridge case.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Olsen with additional reference holes located in the surface perpendicular to the axis of the reel and not in any of the four corners of the cartridge case as taught by Kaneda et al for use in positioning the cartridge in a tape drive.

### ***Response to Arguments***

Applicants' arguments filed 3/26/08 have been fully considered but they are not persuasive.

Applicants argue that hole 68 in the cartridge case in Olsen is not provided along a periphery of the case, but is provided in the center of the casing wall 28. However, hole 68 is provided "in an outer periphery of a surface of said cartridge case" as required by claim 11, for example, and it appears to be near the center of the casing

wall 28. The claims do not require the hole to be closer to one or more edges of the surface of the case than the others. Alternatively, Kaneda et al teaches providing a cartridge case with two non-centered reference holes.

Applicants argue that hole 32 in the cartridge in Olsen does not meet the limitation of the second reference hole in claims 30-32 since hole 32 is in a corner of the cartridge. However, Kaneda et al teaches providing reference holes in an outer periphery of a surface of a cartridge case that is perpendicular to a reel axis, which holes are not located in any corner of the cartridge case. Reference holes could obviously be located anywhere on the cartridge case. The reference holes could be provided for many different purposes (e.g., screw holes, positioning aids, markers/identifiers, access openings).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The new ground of rejection was necessitated by the amendments to claims 30-32. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3654

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571)272-6945. The examiner can normally be reached on Mon. - Fri., 10:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SJH/  
7/1/08  
/Peter M. Cuomo/

Application/Control Number: 10/796,123

Page 7

Art Unit: 3654

Supervisory Patent Examiner, Art Unit 3654